

Superseded 5/10/2016

58-1-506 Supervision of cosmetic medical procedures.

(1) For purposes of this section:

- (a) "Delegation group A" means the following who are licensed under this title, acting within their respective scope of practice, and qualified under Subsections (2)(f)(i) and (iii):
 - (i) a physician assistant, if acting under the supervision of a physician and the procedure is included in the delegation of services agreement as defined in Section 58-70a-102;
 - (ii) a registered nurse;
 - (iii) a master esthetician; and
 - (iv) an electrologist, if evaluating for or performing laser hair removal.

(b) "Delegation group B" means:

- (i) a practical nurse or an esthetician who is licensed under this title, acting within their respective scope of practice, and qualified under Subsections (2)(f)(i) and (iii); and
- (ii) a medical assistant who is qualified under Subsections (2)(f)(i) and (iii).

(c) "Direct cosmetic medical procedure supervision" means the supervisor:

- (i) has authorized the procedure to be done on the patient by the supervisee; and
- (ii) is present and available for a face-to-face communication with the supervisee when and where a cosmetic medical procedure is performed.

(d) "General cosmetic medical procedure supervision" means the supervisor:

- (i) has authorized the procedure to be done on the patient by the supervisee;
- (ii) is available in a timely and appropriate manner in person to evaluate and initiate care for a patient with a suspected adverse reaction or complication; and
- (iii) is located within 60 minutes or 60 miles of the cosmetic medical facility.

(e) "Indirect cosmetic medical procedure supervision" means the supervisor:

- (i) has authorized the procedure to be done on the patient by the supervisee;
- (ii) has given written instructions to the person being supervised;
- (iii) is present within the cosmetic medical facility in which the person being supervised is providing services; and
- (iv) is available to:

- (A) provide immediate face-to-face communication with the person being supervised; and
- (B) evaluate the patient, as necessary.

(f) "Hair removal review" means:

- (i) conducting an in-person, face-to-face interview of a patient based on the responses provided by the patient to a detailed medical history assessment that was prepared by the supervisor;
- (ii) evaluating for contraindications and conditions that are part of the treatment plan; and
- (iii) if the patient history or patient presentation deviates in any way from the treatment plan, referring the patient to the supervisor and receiving clearance from the supervisor before starting the treatment.

(2) A supervisor supervising a nonablative cosmetic medical procedure for hair removal shall:

- (a) have an unrestricted license to practice medicine or advanced practice registered nursing in the state;
- (b) develop the medical treatment plan for the procedure;
- (c) conduct a hair removal review, or delegate the hair removal review to a member of delegation group A, of the patient prior to initiating treatment or a series of treatments;
- (d) personally perform the nonablative cosmetic medical procedure for hair removal, or authorize and delegate the procedure to a member of delegation group A or B;
- (e) during the nonablative cosmetic medical procedure for hair removal provide general cosmetic medical procedure supervision to individuals in delegation group A performing the

- procedure, except physician assistants, who shall be supervised as provided in Chapter 70a, Physician Assistant Act, and indirect cosmetic medical procedure supervision to individuals in delegation group B performing the procedure; and
- (f) verify that a person to whom the supervisor delegates an evaluation under Subsection (2)(c) or delegates a procedure under Subsection (2)(d) or (3)(b)(ii):
- (i) has received appropriate training regarding the medical procedures developed under Subsection (2)(b);
 - (ii) has an unrestricted license under this title or is performing under the license of the supervising physician and surgeon; and
 - (iii) has maintained competence to perform the nonablative cosmetic medical procedure through documented education and experience of at least 80 hours, as further defined by rule, regarding:
 - (A) the appropriate standard of care for performing nonablative cosmetic medical procedures;
 - (B) physiology of the skin;
 - (C) skin typing and analysis;
 - (D) skin conditions, disorders, and diseases;
 - (E) pre and post procedure care;
 - (F) infection control;
 - (G) laser and light physics training;
 - (H) laser technologies and applications;
 - (I) safety and maintenance of lasers;
 - (J) cosmetic medical procedures an individual is permitted to perform under this title;
 - (K) recognition and appropriate management of complications from a procedure; and
 - (L) cardio-pulmonary resuscitation (CPR).
- (3) For a nonablative cosmetic medical procedure other than hair removal under Subsection (2):
- (a)
 - (i) except as provided in Subsection (3)(a)(ii) and (iii), a physician who has an unrestricted license to practice medicine shall:
 - (A) develop a treatment plan for the nonablative cosmetic medical procedure; and
 - (B) conduct an in-person face-to-face evaluation of the patient prior to the initiation of a treatment protocol or series of treatments;
 - (ii) a nurse practitioner who has an unrestricted license for advanced practice registered nursing may perform the evaluation and develop the treatment plan under Subsection (3)(a)(i) for nonablative medical procedures other than tattoo removal; or
 - (iii) a physician assistant acting under the supervision of a physician, with the procedure included in the delegation of service agreement as defined in Section 58-70a-102, may perform the evaluation under Subsection (3)(a)(i)(B) for nonablative medical procedures other than tattoo removal; and
 - (b) the supervisor supervising the procedure shall:
 - (i) have an unrestricted license to practice medicine or advanced practice registered nursing;
 - (ii) personally perform the nonablative cosmetic medical procedure or:
 - (A) authorize and provide general cosmetic medical procedure supervision for the nonablative cosmetic medical procedure that is performed by a registered nurse or a master esthetician;
 - (B) authorize and provide supervision as provided in Chapter 70a, Physician Assistant Act, for the nonablative cosmetic medical procedure that is performed by a physician assistant, if the procedure is included in the delegation of services agreement; or

- (C) authorize and provide direct cosmetic medical procedure supervision for the nonablative cosmetic medical procedure that is performed by an esthetician; and
- (iii) verify that a person to whom the supervisor delegates a procedure under Subsection (3)(b):
 - (A) has received appropriate training regarding the medical procedures to be performed;
 - (B) has an unrestricted license and is acting within their scope of practice under this title; and
 - (C) is qualified under Subsection (2)(f)(iii).
- (4) A supervisor performing or supervising a cosmetic medical procedure under Subsection (2) or (3) shall ensure that:
 - (a) the supervisor's name is prominently posted at the cosmetic medical facility identifying the supervisor;
 - (b) a copy of the supervisor's license is displayed on the wall of the cosmetic medical facility;
 - (c) the patient receives written information with the name and licensing information of the supervisor who is supervising the nonablative cosmetic medical procedure and the person who is performing the nonablative cosmetic medical procedure;
 - (d) the patient is provided with a telephone number that is answered within 24 hours for follow-up communication; and
 - (e) the cosmetic medical facility's contract with a master esthetician who performs a nonablative cosmetic medical procedure at the facility is kept on the premises of the facility.
- (5) Failure to comply with the provisions of this section is unprofessional conduct.
- (6) A chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act is not subject to the supervision requirements in this section for a nonablative cosmetic medical procedure for hair removal if the chiropractic physician is acting within the scope of practice of a chiropractic physician and with training specific to nonablative hair removal.